

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

<b>COLE’S WEXFORD HOTEL, INC.,</b>	)	
on its own behalf and on behalf of all	)	
others similarly situated,	)	Case No. 2:10-cv-01609-JFC
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	
<b>UPMC and</b>	)	
<b>HIGHMARK, INC.,</b>	)	
	)	
Defendants.	)	
	)	
	)	

**ORDER**

**WHEREAS:**

A. Plaintiff class representative, Cole’s Wexford Hotel, Inc., and Defendant, UPMC, have entered into a Settlement Agreement dated March 4, 2016 (“Agreement”), with amendments dated April 4, 2016 and April 8, 2016, in full and final settlement of each and every Released Claim against UPMC, the terms of which are set forth in the Agreement; and

B. Plaintiff has moved for an award to Settlement Class Counsel of attorneys’ fees and litigation expenses incurred in the above captioned action (the “Action”); and

C. Plaintiff has moved for an award of a service fee in recognition of the work it performed on behalf of the Settlement Class in reaching this Agreement; and

D. The Court, having considered all papers filed and proceedings conducted herein, having found the settlement of this Action to be fair, reasonable, and adequate and otherwise being fully informed in the premises and good cause appearing therefore;

**NOW, THEREFORE, IT IS HEREBY ORDERED:**

1. All of the capitalized terms used herein shall have the same meanings as set forth in the Agreement.

2. This Court hereby awards Settlement Class Counsel attorneys' fees and expenses in the amount of 30% of the Settlement Fund, which sum the Court finds to be fair and reasonable as reimbursement for fees and expenses incurred in this Action.

3. The Court hereby awards Plaintiff a service payment in the amount of \$7,500, which sum the Court finds to be fair and reasonable compensation for the efforts expended by Plaintiff on behalf of the Settlement Class.

4. The foregoing fees and expenses and incentive award may be paid to Settlement Counsel from the Settlement Fund, without any further order of this Court, after the Effective Date of the Agreement, and

5. The award of attorneys' fees and litigation expenses shall be allocated among Settlement Class Counsel in a fashion to be determined by Settlement Class Counsel.

**IT IS SO ORDERED.**

Dated: August 10, 2016

/s/ JOY FLOWERS CONTI

Joy Flowers Conti

Chief United States District Court Judge